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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,182	10/29/2003	Alex Dubrovin	1948-4824	8186
27123	7590	04/07/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			GIBSON, ERIC M	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,182	DUBROVIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric M. Gibson	3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure:

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is a restatement of the claims and is not in narrative form. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claims 5 and 11, the use of the term “and/or” renders the claim indefinite because it is not known whether the elements that follow are or are not included in the scope of the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Niwa et al. (US 20020080617A1).

Per claim 1, Niwa teaches a method of controlling light beams emitted by a lighting apparatus of a vehicle traveling on a road, as a function of the geometry of the road, including sensing, by means of at least one sensor on the vehicle, at least one

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item of information relating to the dynamic behavior of the vehicle (page 4, [0064]; page 5, [0072]), obtaining a set of navigation data, including a form of the road and reliability rate (page 4, [0056], [0057]), comparing the reliability rate with a predetermined threshold (page 9, [0166]), if the reliability rate is higher than the reliability threshold value, determining a command to be applied to the lighting apparatus taking into account at least part of the set of navigation data (page 9, [0168]), if the reliability rate is lower than the reliability threshold value, the lighting command to be applied is based only on at least one item of data relating to the dynamic behavior of the vehicle (page 9, [0167]).

Per claim 2, Niwa teaches sensing a plurality of items of information relating to the behavior of the vehicle (page 5, [0072]).

Per claims 4, Niwa teaches control of the orientation of the light beams (page 7, [0125]).

Per claim 5, Niwa teaches control of the size or form of the light beams (page 7, [0125]).

Per claim 6, Niwa teaches control of switching on or off of the light beams (page 8, [0144]).

Per claim 7, Niwa teaches a control system for controlling light beams emitted by a lighting apparatus of a vehicle traveling on a road, as a function of the geometry of the road, including at least one sensor connected to the vehicle for giving information relating to the dynamic behavior of the vehicle (20, figure 1) an on-board navigation system (13, figure 1), an apparatus for processing information supplied by the sensor

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and by the navigation system (11, figure 1), and a command means for the lighting apparatus (40, figure 1).

Per claim 8, Niwa teaches the navigation system includes at least one mapping system and a GPS (figure 1).

Per claims 9-11, Niwa teaches many sensors (figure 1).

Per claim 12, Niwa teaches a steering sensor (134, figure 1) and a speed sensor (204, figure 1).

Per claim 14, Niwa teaches an automotive lighting apparatus using the control system (figure 5).

Per claim 15, Niwa teaches a motor vehicle equipped with the lighting system (figure 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa et al. (US 20020080617A1).

Per claim 3, Niwa teaches the invention as explained in the rejection of claim 1. Niwa does not explicitly teach "a smoothing operation" for the data. Smoothing data would have been well known to one of ordinary skill in the art at the time of the invention. In the data processing art, smoothing is known to eliminate disparate data points that fall outside the average data distribution.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of Kobayashi et al. (US 20020080618A1).

Per claim 13, Niwa teaches the invention as explained in the rejection of claim 10. Niwa does not teach a sensor including a camera. Kobayashi teaches a vehicle headlamp apparatus similar to the system disclosed in Niwa. Kobayashi further teaches using a camera in order to determine the road shape (page 1, [0005]) for lighting direction control. Niwa instead relies upon position determining equipment and map-matching techniques to determine the road shape. The methods of determining road shape to be used in a lighting direction control system are equivalents, each with known advantages and disadvantages. One of ordinary skill in the art at the time of the invention would know that determination of the road shape could be determined in many different ways, including using a camera, instead of position determination, as shown in the teaching of Kobayashi.

**Conclusion**

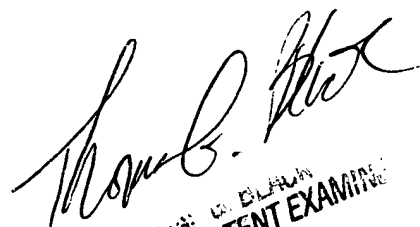
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi et al. (US006459387B1) teaches a vehicle lighting apparatus. Kobayashi (US006343869B1) teaches a light unit for a vehicle. Kobayashi (US006049749A) teaches a lighting device for a vehicle. Gotou (US005588733A) teaches a head lamp device for a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG

  
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